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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,655	10/31/2001	Thomas A. Liguori	81056-250471	2028
7590	08/09/2005		EXAMINER PARK, CHAN S	
Mr. Richard H. Zaitlen PILLSBURY WINTHROP LLP 725 South Figueroa Street, Suite 2800 Los Angeles, CA 90017			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/001,655

Applicant(s)

LIGUORI, THOMAS A.

Examiner

CHAN S. PARK

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 92 in fig. 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. Moreover, refer to the Form PTO-948 for appropriate corrections.

Claim Objections

3. Claim 5 is objected to because of the following informalities:
Line 2, insert -- the -- between "through" and "mass".
 4. Claim 11, lines 6 and 7, "programs" should be -- program --.
 5. Claim 13, line 7, insert -- ; -- after "network".
- Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 7, 8, 10-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 1 recites "a method for creating and distributing mass customized image, the method comprising the steps of:". It is unclear as to whether any image is created and distributed according to the following steps recited in the claim. Image is not even mentioned in the claim.

Furthermore, it is uncertain as to what kind of functions the display device, a CPU, and the input device of the central computer process according to the claim. Does each of them play any role in creating and distributing the mass customized image?

Furthermore, it is uncertain as to what is being confirmed with the user based on the identifier. Does it confirm that the user is at the remote computer? Or does it confirm that the identifier matches with the virtual item? How does it get confirmed? Clarification is requested.

7. With respect to claim 11, arguments analogous to those presented for claim 1, are applicable.

Furthermore, with respect to claim 11, it is unclear as to where the programs and the file information are located. Are they in the apparatus, the remote computer, or the central computer? How do they get executed? What do they do?

8. With respect to claim 8, it is uncertain as to where the operator is and where the graphic arts program is located. Is the operator any different from the "user" at the remote computer? What is executing the graphic art program?

9. With respect to claim 13, it recites "a method for creating images on objects using a remote computer". It is unclear as to whether any image is created on objects according to the following steps recited in the claim. Further, what device is managing and displaying the information associated with the image? Is it the central computer of the remote computer? Further, is the image initially located at the remote computer or the central computer?

10. With respect to claim 14, arguments analogous to those presented for claim 13, are applicable.

Furthermore, with respect to claim 14, it is unclear as to how the central computer and the remote computer are provided. Where are they provided from/to?

11. With respect to claim 12, it recites "a system for creating images on items". It is unclear as to whether the images are actually created on items. Are the images referring to the digital image? Are the items referring to the virtual item? Further, it is extremely confusing as to which device includes all the means recited in the claim. Is it the central computer or the remote computer? How does the digital image actually

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generated? Further, where is the request coming from? Where is the digital image transfer from/to over a communication network?

Furthermore, it recites “means for at least one digital image on a virtual item in response to a request.” It is confusing as to what is being actually processed by the “means”? What actually is the virtual item?

12. Claim 7 recites the limitations “a distributed item” and “user”. There is insufficient antecedent basis for these limitations in the claim. It is uncertain as to whether the limitation, “a distributed item”, is referring to the “virtual item” that is distributed or the “mass customized image” that is distributed.

13. Claim 8 recites the limitation “input data” twice. There is insufficient antecedent basis for these limitations in the claim. Are they the same? Further, it is uncertain as to where this input data is coming from. Is it from the input device or the remote computer?

14. Claim 10 recites the limitations “file information” and “a distributed item”. There is insufficient antecedent basis for these limitations in the claim. It is uncertain as to whether the limitation, “a distributed item”, is referring to the “virtual item” that is distributed or the “mass customized image” that is distributed. Further, is the “file information” referring to the limitation recited in claim 1?

15. Claim 12 recites the limitation “at least one digital image” in line 8. There is insufficient antecedent basis for these limitations in the claim.

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16. Claim 13 recites the limitation "an image" in line 11. There is insufficient antecedent basis for these limitations in the claim. It is uncertain as to whether the limitation is referring to "the image" or the "images" in line 1.

17. Claim 14 recites the limitation "a design image" in line 15. There is insufficient antecedent basis for these limitations in the claim. It is unclear if it refers to the design image created using the art creation center.

18. Claim 15 recites the limitation "a distributed item". There is insufficient antecedent basis for these limitations in the claim. It is unclear as to what "item" is the claim referring to. Further, it is uncertain whether anything was ever distributed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Hall et al. U.S. Patent No. 6,665,090 (hereinafter Hall).

19. With respect to claim 1, Hall teaches a method for creating and distributing mass customized image (fig. 1), the method comprising the steps of:

providing a central computer (application server 103) including:

a display device (col. 6, lines 16-20);

a central processing unit (123 in fig. 1); and

an input device (col. 6, lines 16-20);

creating virtual items through mass input of file information into an executable file operating on the central computer to provide output data (fig. 2F & col. 6, lines 59-67);

distributing from the central computer to a user at the remote computer an identifier associated with the virtual item (col. 11, lines 1-17);

receiving at the central computer, from said user at the remote computer, information related to said identifier (col. 11, lines 1-17);

automatically confirming the user and said virtual item based on said identifier (col. 11, lines 1-31); and

causing said virtual item to be displayed to said user at the remote computer (176 in fig. 1 & col. 11, lines 1-17).

20. With respect to claim 2, Hall teaches the method of claim 1, wherein the identifier is distributed via a deliver service (application server 103).

21. With respect to claim 3, Hall teaches the method of claim 1, wherein the identifier is distributed electronically (fig. 1).

22. With respect to claim 4, Hall teaches the method of claim 1, wherein the identifier causes the central computer to automatically retrieve said virtual item from a storage medium associated with the central computer (col. 18, lines 28-48).

23. With respect to claim 5, Hall teaches the method of claim 1, wherein the identifier causes the central computer to dynamically construct said virtual item, as created

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through mass input of file information at the time the user accesses the central computer (col. 11, lines 1-31).

24. With respect to claim 6, Hall teaches the method of claim 1, wherein the virtual item is distributed directly from the central computer to a web page to be accessed by the user (col. 11, lines 1-31).

25. With respect to claim 7, Hall teaches the method of claim 1, wherein the virtual item is distributed directly from the central computer to printing apparatus to facilitate creating a distributed item, whereby the distributed item may be sent to user (col. 6, lines 59-67).

26. With respect to claim 8, Hall teaches the method of claim 1, wherein the virtual item is created by an operator applying input data within a graphic arts programs to create an image design from image data to be applied to a virtual item and a digital input capture technology program is executed at the central computer to capture input data used to create the image data (col. 9, lines 9-23 & col. 12, lines 20-31).

27. With respect to claim 9, Hall teaches the method of claim 9, wherein the digital input capture technology program is executed simultaneously with the graphic arts program (col. 12, lines 32-49).

28. With respect to claim 10, Hall teaches the method of claim 1, wherein said user may apply file information to the virtual item utilizing the graphic arts program in order to create a distributed item (col. 11, lines 1-31 & fig. 2F).

29. With respect to claim 11, Hall discloses an apparatus for printing individually created images on objects, the system comprising:

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at least one remote computer (client computer 109), the remote computer being coupled to a central computer (application server 103) through a communication link (network 113), said communication link including a public communication network (col. 6, line 48);

a digital image processing graphic arts program (col. 9, lines 9-23);

a digital image capture technology program (col. 12, lines 20-31); and

file information (col. 6, lines 61-67).

30. With respect to claim 12, Hall discloses a system for creating images on items, the system comprising:

a central computer (application server 103);

a remote computer (client computer 109);

means for generating at least one digital image (col. 9, lines 9-23);

means for transferring information about said digital image over a communication network (col. 6, lines 59-67);

means for altering the at least one digital image (col. 11, lines 1-17); and

means for at least one digital image on a virtual item in response to a request (client device 109 & fig. 2F).

31. With respect to claim 13, Hall teaches a method for creating images on objects using a remote computer, the remote computer being coupled to a central computer through a communications link which includes a public communications network the method comprising the steps of:

inputting data representative of information associated with an image at the remote computer (figs. 2E & 2F);

transmitting the information from the remote computer to the central computer through the public communications network (col. 6, lines 61-67);

managing the information associated with the image (col. 6, lines 61-67);

transmitting the managed information from the central computer to the remote computer through the public communications network (col. 6, lines 61-67); and

displaying the information in the form of an image (fig. 2F).

32. With respect to claim 14, Hall teaches a method for printing self-created images on objects, the method comprising the steps of:

providing a central computer (application server 103);

providing a remote computer (client computer 109);

providing an art creation center for creating design images, said art creation center including:

a graphic arts program (col. 9, lines 9-23);

a digital input capture technology program (col. 12, lines 20-31);

a computer, wherein the graphic arts program and the digital input capture technology program execute simultaneously on the computer (col. 12, lines 32-49);

providing file information (col. 9, lines 9-23);

generating output data from the file information in the form of a design image created using the art creation center (col. 9, lines 9-23);

generating a unique identifier associated with the file information in the form of a design image (col. 6, lines 64-67 & col. 12, lines 20-49);

transmitting, over the Internet, the unique identifier associated with the file information in the form of a design image to the remote computer (col. 6, lines 64-67 & col. 12, lines 20-49);

using the remote computer, electronically coupled to the Internet, to access the unique identifier (col. 11, lines 1-17);

using the remote computer to access the central computer over the Internet (col. 11, lines 1-17);

inputting the identifier at the central computer (col. 11, lines 1-31);

dynamically constructing and displaying at the remote computer, the design image associated with the unique identifier (col. 11, lines 1-31).

33. With respect to claim 15, Hall teaches the method of claim 14, wherein the user at the remote computer selects the design image to be transmitted to a printing apparatus for producing a distributed item (col. 9, lines 9-23).

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Conclusion

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S. PARK whose telephone number is (571) 272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csp
August 2, 2005

Chan S. Park
Examiner
Art Unit 2622

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